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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,393

12/10/2003

Mike Brown

03864.100040.

1392

66569 7590 06/03/2008

FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

WHIPPLE, BRIAN P

ART UNIT

PAPER NUMBER

2152

MAIL DATE

DELIVERY MODE

06/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10707393	12/10/2003	BROWN, MIKE	03864.100040.

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EXAMINER

Brian P. Whipple

ART UNIT	PAPER
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2152	20080531
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DATE MAILED:

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Commissioner for Patents

The amendment filed on 5/16/08 is non-responsive under 37 CFR 1.111 (b), which states that a "reply must present arguments pointing out the specific distinctions believed to render the claims... patentable over any applied references." Applicant has responded to the prior art of Chemali, but has failed to address the other rejections of claims 1-7 and 9-14 under Reiner and claims 1-14 under Vaver (see pages 10-14 of the previous Office action mailed on 10/9/07). In order to be considered a responsive amendment, Applicant must indicate how the claims overcome the rejections of Reiner under 35 U.S.C. 102(b) and Vaver under 35 U.S.C. 102(e).

Examiner previously conducted an applicant-initiated interview on 5/16/08. Examiner indicated he did not then see any further issues of non-compliance. However, Examiner had examined the amended claims and drawings in-depth for non-compliance under 37 CFR 1.121. Examiner had not yet discovered the failure to respond to the secondary and tertiary rejections, resulting in non-responsiveness as defined under 37 CFR 1.111 (b). Examiner apologizes for any inconvenience or burden placed on Applicant.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571) 270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
/B.P.W./
Examiner, Art Unit 2152
5/31/08

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152

PTO-90C (Rev.04-03)